

## Commodity Credit Corporation, USDA

## § 1479.10

person only for a FAP payment up to the net costs incurred by that person exclusive of any payment or reimbursement to that person or that person's account for such costs; provided further that if the applicant is the operator of the property such operator shall not be deemed to have incurred costs for reseeding to the extent that such operator has been, or is, reimbursed or paid by the owner of the land, directly or indirectly, for such costs.

(c)(1) An eligible person may be an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, including:

(i) Any Indian tribe under the Indian Self-Determination and Education Assistance Act;

(ii) Any Indian organization or entity chartered under the Indian Reorganization Act;

(iii) Any tribal organization under the Indian Self-Determination and Education Assistance Act; and,

(iv) Any economic enterprise under the Indian Financing Act of 1974 that meets the requirements of this part. Federal, State and local governments and agencies and political subdivisions thereof are specifically excluded.

(2) Federal, State and local governments and agencies and political subdivisions thereof, shall not be considered to be eligible persons for purposes of this part.

[53 FR 41309, Oct. 21, 1988, and amended at 54 FR 965, Jan. 11, 1989]

### **§ 1479.8 Application for FAP Agreement.**

(a) Application for a FAP agreement shall be filed by the eligible owner or operator on a form approved by CCC with the local FSA office.

(b)(1) The county committee or designee shall review each application. The county committee and, if designated by the county committee, the county executive director, is authorized to approve or disapprove all applications provided the applicant is not a county committee member or an FSA employee.

(2) The State committee, or a designee, is authorized to approve or disapprove applications of the county committee members and all FSA em-

ployees except an application which may be submitted by the State Executive Director.

(3) DASCO, or a designee, shall approve or disapprove applications of State committee members and the State Executive Director.

(4) All applications forwarded to a higher authority for consideration shall be accompanied by committee recommendations. No application shall be approved unless the applicant meets all eligibility requirements. Information furnished by the applicant and any other information, including knowledge of the county and State committee members concerning the applicant's normal operations, shall be taken into consideration in making recommendations and approvals. If information furnished by the applicant is incomplete or ambiguous and sufficient information is not otherwise available with respect to the applicant's farming operations in order to make a determination as to the applicant's eligibility, the application shall not be approved until sufficient additional information is provided by the applicant.

(5) An applicant shall be notified in writing of the action taken by the approving official with respect to the application.

[53 FR 41309, Oct. 21, 1988, and amended at 54 FR 965, Jan. 11, 1989]

### **§ 1479.9 FAP Agreement.**

The FAP agreement shall set forth the reseeding requirements, including the period for which the reseeded forage crop must be maintained, seeding rates, eligible seed, fertilizer, and the amount of the eligible established pasture to be reseeded. The requirements for reseeding in the FAP agreement shall be in accord with county FAP reseeding standards developed by the county committee.

### **§ 1479.10 Obligations of person entering into FAP Agreement.**

(a) A person entering into a FAP agreement must:

(1) Submit all documentation requested by the approving official which is necessary to make all determinations specified in this part;